UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

Distr.
GENERAL

E/CN.15/1993/5
25 February 1993

ORIGINAL: ENGLISH

COMMISSION ON CRIME PREVENTION
AND CRIMINAL JUSTICE
Second session
Vienna, 13-23 April 1993
Item 4 of the provisional agenda*

TECHNICAL COOPERATION

The need to identify the most practical course of action to fully operationalize the United Nations crime prevention and criminal justice programme, including financial possibilities

Report of the Secretary-General

Summary

The present report outlines the steps that could be taken to operationalize the United Nations crime prevention and criminal justice programme and enable it to respond to the needs of Governments and the international community. After a brief indication of existing needs, ways of responding to priority concerns are suggested, covering the main programme areas and modalities, with emphasis on advisory services, training activities, operational research, clearing-house facilities and sources of funding.

*E/CN.15/1993/1.

V.93-82302 8961T

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INTRODUCTION

1. The Economic and Social Council, in its resolution 1992/22 of 30 July 1992, adopted on the recommendation of the Commission on Crime Prevention and Criminal Justice, decided that, in view of the priority assigned to strengthening operational activities in crime prevention and criminal justice, the agenda of the Commission, beginning with its second session, should include a standing item on technical assistance. Accordingly, by its decision 1992/274 of 30 July 1992, also adopted on the recommendation of the Commission, the Council included in the agenda of the second session of the Commission item 4 on technical cooperation. For the discussion on this subject, the Secretary-General was requested to prepare a report "on the need to identify the most practical course of action to fully operationalize the United Nations crime prevention and criminal justice programme and enable it to respond to the specific needs of Governments, including financial possibilities".

2. The inclusion of technical cooperation as a recurrent item for consideration by the Commission reflects the emphasis placed by the Council and the Commission on operational activities as a prime means of strengthening the practical orientation of the crime prevention and criminal justice programme and achieving tangible results. It also follows the recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held in Paris from 21 to 23 November 1991, 1/ and of the General Assembly, which, in its resolution 46/152, annex, paragraphs 17 and 18, of 18 December 1991, stressed the need for technical assistance, including advisory services, particularly in respect of the planning, implementation and evaluation of crime prevention and criminal justice programmes, training, the use of modern communication and information techniques, demonstration and pilot projects and other appropriate modalities of aid. The United Nations was called upon directly to carry out the relevant technical cooperation activities or act as a coordinating or facilitating agent. The creation of mechanisms was also envisaged to provide flexible and appropriate assistance, corresponding to the needs of Member States, at their request.

3. As stated in Council resolution 1992/22, section I, paragraphs 3(a) and 3(b), the strengthening of the programme was intended to assist interested States in identifying their crime prevention and criminal justice needs and addressing them through technical cooperation, particularly in relation to law reform, including the elaboration of criminal codes and other legislative or procedural improvements, more effective crime prevention and criminal justice planning, policies and strategies, human resources development and the implementation of United Nations norms and guidelines. The larger aim was to contribute to the preservation and reinforcement of democracy and justice based on the rule of law, taking appropriate account of United Nations norms and standards concerning crime prevention, criminal justice, law enforcement and protection of victims, as well as means of conflict resolution and mediation.

4. The Council reaffirmed the request of the General Assembly to the Secretary-General to take the necessary measures to commit the human and financial resources necessary to strengthen the programme as a whole, with emphasis on designing, implementing and monitoring technical cooperation projects at the national, regional and subregional levels. The international community was called upon to increase its support of technical cooperation and assistance activities for the benefit of all countries, particularly developing and

smaller countries and those in transition, in order to help expand and reinforce the infrastructure needed for effective crime prevention and for viable, fair and humane criminal justice systems.

5. To strengthen technical assistance activities, a new subprogramme on operational activities, planning and overall coordination, proposed by the Commission, the Council and the Committee for Programme and Coordination in revisions to the medium-term plan for the period 1992-1997 (A/47/6 (Prog. 29)), was approved by the General Assembly, as were revised estimates of the programme budget for the biennium 1992-1993 (A/C.5/47/40). The Secretary-General indicated that the needs of the programme will be reviewed in the context of the programme budget for the biennium 1994-1995. The General Assembly also requested the Secretary-General, in its resolution 47/91 of 16 December 1992, to support the operational activities and advisory services of the United Nations crime prevention and criminal justice programme, within existing resources from the regular budget commensurate to its high priority and importance, and to provide adequate funds to build and maintain the institutional capacity of the programme to respond to requests of Member States for assistance in this field. It also invited United Nations funding agencies to include such activities in their funding efforts and to cooperate with the programme in planning and implementing relevant activities, and called on Governments to increase their level of support.

I. CONCLUSIONS AND RECOMMENDATIONS

6. Operationalizing the programme requires clear objectives, viable strategies, long- and short-term planning, and resources. It also requires a realistic recognition that the resources to meet all needs will never be available, rendering prioritization essential. The Commission defined the general objectives to be pursued and it is equally for the Commission to determine the priorities within those objectives. What is required, subject to the need to be able to respond to requests arising in emergency situations, including peacekeeping operations, is a carefully phased plan of action, following an incremental approach, together with a level of resources commensurate with the importance attached to the programme by the world community, as enunciated in General Assembly resolution 46/152.

7. It is essential that the question of an institutional capacity to conceptualize, develop, deliver - either directly or indirectly - and evaluate technical cooperation projects and advisory services be addressed in response to the requests of both the Ministerial Meeting and the General Assembly. Unless the programme has at least some capacity to deliver its own technical cooperation and advisory services, it will continue to be dependent on better-funded programmes, such as those in the fields of human rights and drug control, leading to an emphasis on joint projects that may not be the desired emphasis of the Commission or the States involved. For example, in some countries, drug law enforcement administration is dealt with by bodies other than the general law enforcement administration. Assistance directed to the drug law enforcement administration will therefore not reach the whole spectrum of the intended target audience. Joint projects with the Centre for Human Rights of the Secretariat will invariably emphasize human rights aspects of the administration of justice according to its particular mandates, and yet not address the needs of Member States in increasing the level of professionalism of their police, lawyers, prosecutors, judges and others.

8. The Commission may wish to consider the following recommendations:

(a) Subject to requests arising in emergency circumstances and peacekeeping operations, the emphasis in operationalizing the crime prevention and criminal justice programme is to be placed high on the list of the priorities identified by the Commission;

(b) Overall plans identifying the respective needs, targets and possible donors should help to coordinate the assistance being provided;

(c) United Nations interregional and regional institutes and affiliated and associated institutes have done valuable work in training, research, information pooling and advisory services, are sources of substantial skill and expertise, and should be invited to participate in operational activities;

(d) Evaluation components should be included in all training projects, and meaningful measures of impact devised in accordance with the objectives of each training exercise;

(e) Close coordination with other United Nations programmes and with funding agencies should maximize efforts, raise awareness of crime-related needs, and increase the chances of further support;

(f) Model training and advisory services projects could be developed in light of the programme priorities and needs assessments, which could be adapted to particular national or regional conditions and requirements. An inventory of such projects could be compiled for circulation;

(g) The roster of experts, designed to assist in the delivery of operational activities, should be further developed and regularly updated. Evaluations of the work performed and of suitability for future missions or other assignments should be included. Basic training courses, core curricula, manuals and other training materials, as well as suitable training methodologies, can usefully be developed for application at various levels and to various target groups;

(h) United Nations peacekeeping and political mission personnel and their national counterparts could benefit from basic courses on United Nations norms and guidelines, designed to upgrade criminal justice practices. Direct assistance could be provided in areas of special need;

(i) Training programmes can be conducted at various levels: national, regional (or subregional) and international, and in a structured sequence (for instance, regional training followed by national courses);

(j) Action-oriented research and information exchange, particularly in the priority areas, is an important underpinning for policy formulation, and should be strengthened. Collaborative arrangements and projects carried out with scientific institutions and relevant organizations, as well as the United Nations institutes and affiliated and associated institutes, would extend the empirical base for decision-making;

(k) The United Nations surveys of crime trends and criminal justice operations, and country profiles, can help to improve national and international programming in this field, especially if projections and indicators (such as that of the dark figure) are included to allow forward planning;

(l) The capacity of the programme in crime prevention and criminal justice statistics and information-gathering should be further developed, including the use of electronic information networks;

(m) Information dissemination is necessary, to promote and increase awareness of other programme activities;

(n) Additional extrabudgetary contributions should be made available for carrying out technical assistance activities;

(o) UNDP and other financing agencies should be encouraged to increase their support for operational activities;

(p) A fund-raising campaign should be undertaken, with the support of the Commission and in cooperation with the United Nations institutes, affiliated and associated institutes and interested Governments;

(q) Special events, such as meetings of donors, should be organized and project proposals formulated for submission to Governments, international funding agencies and foundations.

II. ASSESSING COUNTRY NEEDS

9. In the recent past, Member States have communicated a variety of needs to the programme. While a comprehensive global survey of crime prevention and criminal justice needs, or of possible sources for meeting them, has not yet been conducted, sufficient information is available to identify the main areas in which technical assistance is needed. The information derives from a number of sources, including: interregional and regional institutes; the missions of the Interregional Adviser in Crime Prevention and Criminal Justice; regional and national seminars; assessments of United Nations regional institutes and affiliated and associated institutes and specific requests for assistance. Certain trends and patterns can be identified. Country needs obviously vary with national situations, systems and circumstances, but some requirements are recurrent, particularly among countries linked by a common history and traditions. They relate largely to significant global developments, such as the growth of transnational crime, the increasing difficulties of developing countries, including crime problems, and the effects that the transition to democracy and a market economy, particularly in Central and Eastern Europe, has had on criminal activities.

10. First, there is a growing realization that States can only effectively address the new forms and dimensions of crime through international cooperation. Many countries have explicitly recognized their inadequate capacity to face the new transnational forms of crime, particularly organized and economic crime, including corruption and money-laundering, environmental offences and increasing violence. The lack of qualified staff is a prevalent problem, and the training of criminal justice personnel a widely declared priority. There is a pressing need for expertise to deal with sophisticated new forms of criminality and for specialized personnel to handle criminal investigations and prosecutions. There have been requests for assistance in drafting legislation, in procuring equipment to enhance law enforcement capabilities, and in developing and applying bilateral or multilateral treaties and agreements (involving, for instance, mutual legal assistance in criminal matters, extradition and the transfer of proceedings and of prisoners). Interest in technical assistance to

deal with these concerns has been expressed both by individual countries and by groups of States.

11. Second, the limited capabilities of many developing countries have been further taxed by the growing demands on their criminal justice systems. They often operate under dated legislation and imported procedures that are ill-suited to their conditions and the contemporary realities of crime. Economic crises and competing development priorities have worsened crime problems in these countries. Widening economic disparities between and within countries have accentuated critical poverty and relative deprivation, which tend to be criminogenic and to augment the prison population, largely consisting of the disadvantaged. Community-based approaches are rooted in the traditions of many developing countries, and requests for assistance have been received to increase alternatives to imprisonment, such as community service, compensation to victims and dispute resolution, consonant with customary practices. As an investment in the future, countries have sought aid in dealing with juvenile delinquency and children in need of protection (such as street children). The technical assistance sought has the potential to reduce the negative impact of crime and to conserve human and material resources that could be used to advance development goals. More equitable criminal justice and effective crime prevention are also a means of reducing the human and material costs of crime and contributing to sustainable development and political stability.

12. Third, in countries in transition from a single-party to a multiparty political system, where protection of the State was formerly paramount, there is a move to institutionalize the observance of human rights and strike a balance between effective crime control and democratic principles. These countries aim at ensuring judicial independence, allowing greater flexibility and building public confidence in the administration of justice. The role and operation of the criminal justice system and its subsystems, including the police, prosecution, legal defence, courts, corrections and juvenile services, are under review. Some States, especially in Central and Eastern Europe, are engaged in comprehensive legislative reform and interested in guidance regarding, inter alia, penal codes and criminal procedure codes. Some countries wish to explore methods such as adversarial proceedings, the jury system, judicial supervision of incarceration and other means of curtailing abuse, including witness- and victim-protection schemes. They have made requests to the programme that would permit them to compare and test legal options (for instance, from continental or common-law systems).

13. Both developing countries and those in transition are eager to strengthen the empirical basis for their policy-making, including improved crime statistics, computerized records and procedures, and greater use of research. There is a widespread interest in policy guidance, expert advice, information and experience that can be adapted for particular national uses. Further, States wish to enhance their crime prevention capabilities, particularly in the urban context, including acceptable ways of dealing with civil unrest and ethnic strife. One broad goal is to establish greater police accountability, which would also increase the cooperation of the public. In several countries, the Interregional Adviser has proposed the establishment of multidisciplinary crime prevention coordinating councils and comprehensive planning for crime prevention and criminal justice, taking into account these disparate areas of need.

14. In sum, countries have expressed interest in the various means of technical assistance that the United Nations, its affiliated and associated institutes and other aid providers can offer. The United Nations is expected to

provide know-how, practical assistance and globally agreed standards of practice to upgrade national systems. It is incumbent on the Organization and on donor Governments to develop, together with the interested States, more humane and effective ways of dealing with crime.

III. MEETING NEEDS

15. Under current constraints, the crime prevention and criminal justice programme can respond only in extremely limited ways to the extensive needs identified by countries. The Commission at its first session recognized their requirements and the urgency of the situation and urged that they be met.* The assessment of needs and of the impact of any initiatives that may be undertaken will be part of the ongoing tasks of the new subprogramme on operational activities, planning and overall coordination, which also includes project formulation in response to incoming requests and appropriate follow-up. These functions require an institutional capacity currently lacking in the programme. The primary resource has been the Interregional Adviser, who is overcommitted and available only for short missions, whereas many countries require comprehensive longer-term aid. Under the circumstances, it has not yet been possible to develop suitable project proposals for submission to possible donor countries and funding agencies.

16. Other assistance rendered has consisted mainly of members of the Crime Prevention and Criminal Justice Branch who have served as ad hoc short-term resource persons, for example, for training seminars on human rights in the administration of justice (in Albania and Romania), but more systematic efforts concerning criminal justice issues are needed. How the programme can meet its commitments and help countries in spite of the persisting constraints is a matter to be addressed by the Commission and Member States. By focusing assistance on the priority areas identified by the Commission and the Council, strategic planning in this regard can be enhanced.

17. In operationalizing the programme, special emphasis in technical cooperation activities is being placed on the three areas assigned high priority by the Council in its resolution 1992/22, as reflected in the report by the Secretary-General on progress made in the implementation of that resolution (E/1993/10). In cases of urgent need, emergency assistance going beyond these areas, if necessary, is also to be extended. Coordination of such assistance at both the central and national levels, the latter perhaps through the United Nations country coordinator or special project coordinators, can optimize efforts and reduce overlap.

18. Improved national capacity and joint action by two or more States are both needed to counter growing transnational crime. The Commission and the Council have given this effort top priority, to be reflected also in the assistance

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*The Council in fact proposed, in its resolution 1992/22, "to concentrate the majority of programme resources on the provision of training, advisory services and technical cooperation in a limited number of areas of recognized need, taking into account the need for technical assistance to developing countries, in order to achieve a synergetic effect, allowing intense and effective use of materials, resources, and experience from both regular budgetary resources and voluntary contributions".

rendered to States. A number of legal instruments, such as the model treaties, already exist and could be put into effect. In one case, involving the Economic Community of West African States (ECOWAS), assistance was rendered to develop a convention on mutual assistance in criminal matters that has been adopted by a meeting of ECOWAS Heads of State; another convention, on extradition, is also contemplated. Other regional or subregional groupings could be similarly assisted, not only in developing the legislative framework for action in accordance with United Nations instruments, but also in the process of actual implementation.

19. Collaborative practical action by States against common crime problems could be developed. It was mentioned as a pressing need by the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, which noted that the United Nations offered a framework for such collaboration, but that steps should be taken to give it tangible shape. This might involve facilitating the development of practical arrangements between two or more States to establish joint preventive strategies and mutual assistance in pursuing and resolving relevant cases.

20. The expanding United Nations role in peacekeeping and the wider concept of security, outlined in "An agenda for peace", a report of the Secretary-General (A/47/277) pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992, provide the context for major contributions by the crime prevention and criminal justice programme. Its small size and heavy workload have unfortunately limited its participation in certain missions and precluded its participation in others, notwithstanding that adequate crime prevention and criminal justice is a prerequisite to any process of peacekeeping. A strengthened capacity would permit wider involvement of the staff and experts associated with the programme to achieve those aims. The contribution of the programme to United Nations peacekeeping missions, as recommended by the Commission and the Council, have particular urgency. Recent United Nations interventions (for example, in Somalia) that have sought to ensure the delivery of humanitarian aid have been thwarted by violence, strife and other manifestations of lawlessness. Law enforcement and criminological expertise is essential in such missions. The programme could also provide specialized training for peacekeeping personnel engaged in primarily law enforcement activities, such as monitoring the activities of local agencies of public order with a view to avoiding abuses, observing United Nations standards and preserving the rule of law. One contribution made by the programme has been the development of a basic training course for personnel involved in peacekeeping operations.

IV. ADVISORY SERVICES

21. The Interregional Adviser is responsible for providing, during short missions, policy advice to Governments and suggestions for follow-up activities. The large number of requests for the services of the Interregional Adviser reflects the extensive needs of countries for technical assistance through advisory services. The increase in demand for the services of the Interregional Adviser is demonstrated by the 145 missions undertaken in the last 12 years, 30 of them in the past two years, although there were 50 requests for advisory services during the latter period.

22. To have a significant impact, the work of the Interregional Adviser must be developed through comprehensive planning, backstopping, developing project

proposals, fund-raising, monitoring the implementation of the advisory services and evaluating the results. The formulation of project proposals, in line with country requests and the recommendations of the Interregional Adviser, is complex and time-consuming work, requiring substantive expertise, experience in project preparation and familiarity with the country or region involved. A capacity to formulate project proposals has to be developed and available within the Secretariat.

23. The analysis of the needs articulated by various countries has revealed certain recurrent themes that fall within the priorities established by the Council on the recommendation of the Commission. These could serve as a basis for certain typical or model projects that could be adjusted to particular requirements. Appropriate components could also be developed for possible inclusion in multi-purpose projects designed to meet a range of development needs. This also requires the sensitization of national planning offices and resident representatives of the United Nations Development Programme (UNDP) to the needs and possibilities of assistance in this field, and to the priority accorded to them by United Nations policy-making bodies. Model projects could be developed, according to programme priorities and country needs, that can be adapted to particular national or regional conditions and requirements.

24. An inventory of technical assistance projects, including training and advisory services that the programme itself could deliver and support, could be compiled. It could be made available to Member States, as well as to United Nations bodies, through the Interregional Adviser or by other means.

25. Involvement of relevant United Nations bodies at the developmental stage would facilitate integrated and comprehensive projects. The two bodies most likely to be involved are the United Nations International Drug Control Programme (UNDCP) and the Centre for Human Rights. Where appropriate, collaborative advisory missions could be, and have been, undertaken, for instance to Albania.

26. A regularly updated roster of experts in the various areas of crime prevention and criminal justice is being compiled by the Secretariat. Designed as a resource tool for operational activities, the roster lists well-qualified experts with practical experience, their areas of specialization and familiarity with particular legal systems and cultures. Evaluations of the work they perform and their suitability for future missions or other assignments will be included as they become available. The list will be computerized for prompt access.

V. TRAINING ACTIVITIES

27. The Commission, at its first session, and the Council, in its resolution 1992/22, emphasized training and called on the programme to serve as a worldwide training network for developing countries with specific requirements, including the capacity to match training needs with the opportunities available to meet them. To accelerate human resources development in this field, training schemes are to include manuals, core curricula, training courses as well as workshops and seminars organized at various levels. The aim is to improve professionalism in all sectors of criminal justice management. Training in crime prevention and criminal justice planning in the developmental context can help formulate more effective policies, including urban crime control strategies, law reform, improved administration of justice, the application of

United Nations standards and guidelines, and an enhanced capacity to deal with the new forms and dimensions of crime. Training activities would be carried out on the basis of an overall planning process that would include needs assessment, determination of objectives, preparation, execution, evaluation and follow-up.

A. Training at the national and regional levels

28. At the outset, it is important to note that in addition to training activities conducted independently or with other United Nations bodies, it is also necessary for the programme to systematically develop its clearing-house and "brokering" functions, ascertaining the available training facilities and training needs, and determining the best ways to match them. It will also have to assess the extent to which existing training opportunities respond to the needs, their practical accessibility and the most cost-effective ways of meeting needs that are not covered or that are inadequately covered. The regional assessment of needs carried out by some United Nations institutes and affiliated and associated institutes can help in this regard. The survey of the activities of United Nations entities and intergovernmental and non-governmental organizations (E/CN.15/1993/2) has provided information on their training and other activities.

29. Basic training courses could be developed for different categories of personnel and for various problem areas, and adapted to specific country requirements and circumstances. In spite of differences in legal systems or cultural specificities, there are certain common principles that can be widely applied. Most of them are contained in the United Nations norms and guidelines; others can be distilled from the "best available practice", taking account also of indigenous approaches. Some core curricula already exist in selected areas, contained in United Nations manuals and guides (for instance, those on measures against corruption, on computerization of criminal justice; on dealing with domestic violence, and on the prevention and investigation of summary and arbitrary executions). Some of them have been developed with the help of interested Governments, United Nations institutes and affiliated and associated institutes, and professional organizations (for instance, the Guide for Practitioners Regarding the Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (A/CONF.144/20, annex)).

30. The United Nations regional institutes and affiliated and associated institutes for the prevention of crime and treatment of offenders have carried out a wide variety of training programmes and accumulated valuable experience. The curricula employed and the reports and training materials produced are resources that could be drawn upon, especially if systematized and supplemented. Assistance is also to be provided by the technical committees operating under the auspices of the International Scientific and Professional Advisory Council (ISPAC), applying, for example, the curriculum on the administration of justice developed with the International Institute of Higher Studies in Criminal Sciences, which is an annotated version of United Nations standards and norms to be used for training purposes.* National training manuals,

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*The UNDP programme for the Transfer of Knowledge Through Expatriate Nationals (TOKTEN), which enlists the services of expatriate professionals as expert advisers, could be drawn upon inter alia for the purpose of training using existing and future material.

special guides and materials developed for specific target groups and occasions could facilitate the organization of training programmes and the actual training process.

31. National systems can also be improved and harmonized through regional and subregional training activities designed to promote the application of United Nations standards and norms. They have been used by the regional institutes in training courses and seminars in various areas. Some of the institutes (such as the African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD)) have organized training courses on human rights in the administration of justice in cooperation with the Centre for Human Rights. More recently, a joint seminar with the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), and the International Centre for Criminal Law Reform and Criminal Justice Policy was held in Slovakia for law enforcement and other criminal justice personnel from Eastern Europe. These prototypes could be utilized to develop model curricula, based on the United Nations guidelines, perhaps with regional or subregional commentaries to make them still more relevant.

32. Comprehensive overview courses and seminars might be developed to provide a larger context for more specific training. Several model programmes could be initiated, such as the following: seminars and courses on crime prevention and criminal justice planning in the context of development, where training experience already exists; training courses on dealing with new transnational forms of crime, administered nationally or for groups of interested States, supplemented by training for specific categories of personnel; seminars on crime prevention strategies and criminal justice management for countries in transition; and a workshop on applying United Nations guidelines and norms, including models of implementing legislation and problem-oriented discussion to explore ways in which the necessary reforms could be achieved.

33. Suitable training methodologies could be developed, using an interdisciplinary approach and a range of methods, including case-studies, lectures, audiovisual aids and discussions in small groups. Where a larger or dispersed training group is involved, new technologies and mass-media and audiovisual techniques, including videotapes, could be employed. Emphasis would be placed not only on imparting the necessary information and skills, but also on promoting attitude change.

34. Evaluation components should be included in all training projects, and meaningful measures of impact devised in accordance with the objectives of each training exercise. Appropriate follow-up and careful monitoring will determine whether the desired multiplier effect is being achieved. The expansion and replication of national training initiatives using local trainers, personnel exchanges, correspondence courses (once these are developed) and the mass media to elicit public support and understanding for the changes being promoted can broaden efforts to upgrade the public services involved. For example, careful selection of candidates for training, especially as future trainers can increase the chances of success.

35. To obtain lasting results, special briefing sessions could be arranged for the decision makers, to enable them to translate the principles espoused into actual policy. Compartmentalization of the subsystems of criminal

justice can be reduced, and collaboration and overall system functioning enhanced by joint training in areas of common concern. Where possible, comprehensive training projects should be included in the UNDP country programmes, as a way of augmenting national capacities and promoting sustainable development. The priority given by UNDP to management development and the transfer of technology argues for increased investment in fair and efficient criminal justice systems as part of national capacity-building.

36. Training for countries with similar systems and traditions, conducted on a regional or subregional basis, makes better use of scarce resources and offers a comparative perspective that can broaden vistas and the response repertory. It can also help to harmonize legislation and actual practice, and foster common strategies against crime problems of mutual concern. The latter aspect has not yet received the necessary attention, though some beginnings have been made. This aim could also assist the efforts of UNDCP in promoting the regional and subregional approach (apart from meetings of Heads of Narcotics Law Enforcement Agencies) and foster joint training activities, in pursuance of resolutions calling for close cooperation between the crime prevention and drug control programmes. However, if more than only the framework for concerted action against transnational forms of crime is to exist, as stressed by the Ministerial Meeting and the General Assembly in its resolution 46/152, then training to foster mutual assistance in criminal matters, collaborative law enforcement and other kinds of regional or subregional cooperation must be instituted. The readiness of countries for this kind of training enterprise is reflected in the request of ECOWAS countries for a United Nations training programme to assist in the implementation of a convention based on the Model Treaty on Mutual Assistance in Criminal Matters 2/ and an envisaged convention on extradition.

37. Basic training programmes at the regional and subregional levels might be envisaged, to be carried out where possible in cooperation with the United Nations institutes and affiliated and associated institutes. It is hoped that closer coordination among the institutes and between them and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, United Nations Office at Vienna, as well as with funding agencies, will facilitate this approach, and that the latter will devote increased attention to crime-related needs, as called for by the General Assembly in its resolution 46/152. Special projects carried out by the institutes under earmarked grants could include a training component to be executed in cooperation with sister institutes and the Branch, given additional funding.* Strengthened regional and subregional training capabilities and exchanges within and between regions would help to expand the operational reach of the programme.

38. Positive experience has already been gained with courses and seminars on planning for crime prevention and criminal justice in the context of development, held at the Latin American Institute in 1988 and more recently at the African Institute. The comprehensive discussion guides prepared for, and

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*For instance, the Latin American Institute has a project on women and justice, and could organize relevant courses on such topics as the application of the guidelines contained in Strategies for Confronting Domestic Violence: a Resource Manual (forthcoming United Nations publication), which could be replicated elsewhere with the assistance of the United Nations Development Fund for Women.

the reports on, those activities provide basic training materials that could be further elaborated.* While most of the issues considered are common to different regions, special problems and concerns could be highlighted. Joint seminars for crime prevention and criminal justice specialists and national development planners proved most fruitful and might well be replicated. The relevance of effective yet humane crime control to development and a better quality of life (and, conversely, the inclusion of crime as a major factor in the index of social distress used in the UNDP Human Development Report) underline its importance in the mainstream of United Nations concerns and development aid, as stressed by the General Assembly and the Council, in its resolution 1992/22. The sensitization of planners and policy makers to crime-related issues, together with the training of criminal justice personnel in the techniques of strategic planning and management, would promote dialogue and collaboration between them, ensuring a more rational allocation of resources and a more functional and coherent approach. Sensitization might also foster the inclusion of assistance in this area in the regional and country programmes formulated by planning offices.

B. Interregional training initiatives

39. The transfer of accumulated training knowledge between regions is an exercise in which the Branch has a central role to play. While some institutes (such as the African Institute) have had occasional participants from other regions, there has been little cross-regional feedback. This can be remedied through a continuing, institutionalized information flow and consolidation of the experience gained, for mutual benefit. Some Governments support projects in institutes outside their own regions (for instance, training for drug abuse prevention and control given at the Latin American Institute with the assistance of the Japan International Cooperation Agency). Other means to obtain cross-regional impact would include the translation and adaptation of materials for training activities in other regions or subregions, as well as innovative approaches based on the evaluation of the results obtained.** The expertise gained through training activities at the regional level could be put to common use and further developed in line with particular needs. The closer coordination of the work of the institutes could include parallel or combined training initiatives, with comparative assessments and pilot schemes utilizing new forms of training. For example, joint courses could be organized using teleconferencing and other technological advances, as well as diversified educational techniques, undertakings that would profit from the input of relevant agencies and organizations, teaching establishments, information technology providers and interested Governments.

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*For a discussion guide, see ILANUD al Día, vol. 8, Nos. 21-22 (1988), pp. 90-131. See also Seminario sobre Planificación de la Política Criminal dentro de los Programas de Desarrollo Nacional en Latinoamérica (San José, Latin American Institute for the Prevention of Crime and the Treatment of Offenders, 1976) and "Report of the Seminar on Planning for Crime Prevention and Criminal Justice in the Context of Development" (Kampala, African Institute for the Prevention of Crime and the Treatment of Offenders, 1987), covering the Seminar organized by the African Institute and held at Addis Ababa in 1987.

**The planning courses held at the African Institute and the Latin American Institute have included such evaluation components.

40. Interregional training courses and seminars were organized in the past in key areas such as crime prevention and criminal justice planning in the context of development (the subject of a 1986 training course organized by the African Institute), juvenile delinquency prevention, 3/ and measures against corruption in government. 4/ These collaborative projects, executed together with the Department of Technical Cooperation for Development of the Secretariat, produced valuable results. Those stemming from the interregional training courses on planning organized in cooperation with the Australian Institute of Criminology, and encompassing both criminal justice systems and cross-sectoral planning, 5/, 6/ could be updated and used for further training in this sphere, since the basic principles still apply. However, for maximum impact, sustained training efforts are necessary, including consistent follow-up.

41. Some seminars, for example those sponsored by the United Nations Interregional Crime and Justice Research Institute (UNICRI), have sought not only to impart knowledge, but also to upgrade research skills, especially of participants from developing countries (such as those involved in the United Nations surveys of crime trends and operations of criminal justice systems). Such has been the case in some seminar-type meetings organized in cooperation with interested Governments, for instance on computerization in the administration of criminal justice.* But clearly much more must be done if this is to have a real impact. While interregional training projects may not produce large numbers of qualified cadres, they can at least start the process by involving key personnel, preferably including policy makers, in training efforts that will trickle down or can be packaged for future replication. This is particularly true of training in the priority areas identified by the Commission, where interregional seminars or courses could set the main directions that could be further elaborated in training initiatives at the regional and national levels.

C. Training for peacemaking and peacekeeping

42. The report of the Secretary-General on the work of the Organization, submitted to the General Assembly at its forty-seventh session, stressed the importance of social peace as a complement to international peace. Adherence to the rule of law, basic tenets of justice and strict observance of human rights are crucial elements, often missing under conditions of acute conflict and the absence of democratic traditions. Commitment to a humane, just and effective system of justice must exist. Intensive preparation is necessary, including legislative assistance, training or retraining to create qualified civilian police, independent prosecutors and judges and a professional corrections administration. Training in crime prevention and the administration of justice has also been demonstrated as essential to good governance of new States.

43. The United Nations norms and other instruments in crime prevention and criminal justice provide a useful basis for an introductory training course for peacekeepers and courses or training modules on specific topics. The Branch has prepared a basic course to be inserted into a training package being prepared by the Staff Administration and Training Division of the Office

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*The Guide to Computerization of Information Systems in Criminal Justice (United Nations publication, Sales No. E.92.XVII.6) was reviewed at an ad hoc expert meeting held at Ottawa from 27 November to 1 December 1989 at the invitation of the Department of Justice of the Government of Canada.

of Human Resources Management of the Secretariat for United Nations peacekeeping personnel prior to their taking up duty. A more detailed course directed at peacekeeping personnel with primary or supervisory responsibility for matters pertaining to crime prevention and criminal justice is to be developed. A meeting organized by the Branch with the United Nations Protection Force (UNPROFOR) held on 27 and 28 February 1993 at Graz, Austria, brought together senior civilian police supervisors from a number of peacekeeping operations. The development of the future course will draw heavily on the experience of the meeting.

44. The depolitization and professionalization of the police and other criminal justice personnel is a key task in which the United Nations crime prevention and criminal justice programme has assisted. The above-mentioned meeting at Graz demonstrates the ongoing commitment of the programme to that task. The promotion of modern law enforcement approaches, such as problem-oriented and community policing, is important in this effort, as is the goal of building public confidence and bringing the agents of "law and order" closer to the people. This also means greater faith in the impartiality of the courts and fairness in the administration of justice, which United Nations standards seek to ensure.

45. As important as familiarity with essential United Nations principles is the furtherance of appropriate attitudes and development of the requisite skills. In the case of peacekeeping or law enforcement personnel (both the United Nations force and local counterparts), there may be some confusion about the role to be discharged and expectations to be fulfilled. These should be clarified. A definition of the objectives and specific guidelines, applicable to particular situations, would be a useful complement to the basic training module intended to promote the observance of United Nations crime prevention and criminal justice norms. Principles of humanitarian law and practice could also be included in the syllabus, developed with the assistance of such bodies as the International Committee of the Red Cross, the Henri Dunant Institute and the San Remo Institute of Humanitarian Law.

46. Conflict resolution methods could be learned in problem-solving workshops, and crisis intervention techniques could be utilized to help ensure the safety of vulnerable targets and curtail victimization. Institutions specializing in conflict resolution could be enlisted to help design a basic training package in cooperation with the Branch and the Staff Administration and Training Division, which has already offered courses of this kind. United Nations mediators have been prominently involved in United Nations peacemaking and peacekeeping, but such skills need to be more widely developed among the United Nations mission personnel. Some precedents already exist that could be extended. For instance, an officer of the Branch contributed to the national reconciliation programme in Namibia. A pool of United Nations trainers in this area, and the inclusion of relevant elements in pre-mission and in-service programmes, would permit further inroads to be made. Effective follow-up of Council resolution 1990/22, calling for such approaches and an integrated mechanism* to curtail

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*It is hoped that this endeavour can be further advanced at the forthcoming meeting of the ISPAC technical committee on victimization prevention, non-violent conflict resolution and victim protection, to be held at Onati, Spain, in May 1993, which will bring together United Nations entities and professional organizations concerned, and will deal, inter alia, with training.

serious abuses, would help to secure this goal and reduce the human toll. These elements should also be included in humanitarian assistance and proposed projects to provide social support services (for example, in the former Yugoslavia).

47. The contribution of the Branch to the United Nations Transitional Authority in Cambodia (UNTAC) and the rebuilding of that country reflects the operational potential of its work. The Chief of the Branch, who is serving as Director of Civil Administration of Phnom Penh Province, advised on the new penal code and law of criminal procedure, adopted by the Supreme National Council. A code of conduct for public officials and a manual for training criminal justice personnel were also developed, with emphasis on United Nations norms and guidelines. With other relevant training materials, these were used in a joint seminar organized by UNTAC and the Branch for judges, prosecutors and the police.* This course is to be replicated so that a core of qualified officials can be formed to train future cadres.

VI. EMERGENCY ASSISTANCE

48. The need for emergency assistance should also be envisaged. The Commission and the Council have stressed the need for a capacity to meet requests for such assistance as they arise. This could include ad hoc teams to help national or local authorities deal with escalating violence and organized crime, including assistance to the victims. Xenophobic outbreaks characterized by criminal violence against refugees and other "strangers" have become a frightening reality in some developed countries, and elsewhere, too, refugees and displaced persons pay a high price, because of their illegal status and discriminatory treatment by the criminal justice apparatus.

49. Relief efforts, as well as regular development assistance, are more likely to reach the intended recipients if they include measures to reduce fraud and diversion of aid. This has been a serious problem in many cases, increasingly recognized by donor agencies. With their help, crime prevention and control components could be built into technical and humanitarian assistance projects and special training could be provided. The manual on practical measures against corruption (A/CONF.144/8) could be utilized for this purpose, supplemented by provisions for quality control of aid programmes. This touches broader problems of corruption endemic in some areas, and requires not only formal training but a reorientation of attitudes. International aid providers, however, can at least set a good example and minimize bribery and corruption in the procedures within their purview, a task that would be facilitated by appropriate training.

VII. OPERATIONAL RESEARCH AND INFORMATION GATHERING AND EXCHANGE: STRENGTHENING CLEARING-HOUSE FACILITIES

50. The General Assembly, in stipulating criteria for decision-making, in its resolution 46/152, stressed the importance of empirical evidence, including

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*For details on the involvement of the programme in other such missions, for example in El Salvador, South Africa and the former Yugoslavia, see the report of the Secretary-General on progress made in the implementation of Council resolution 1992/22 (E/1993/10, paras. 41-46).

research findings and other information on the nature, extent and trends of crime, and the cost of various forms of crime and crime control, including their impact on the development process. The Council, in its resolution 1992/22, called for the promotion of policy-oriented studies on topics of interest to the Commission as well as to individual States or groups of States. The reports submitted to the Commission on the impact of organized crime and on the control of proceeds of crime have relied, like others, largely on literature surveys, but this is inevitable given the present resource constraints.

A. Operational research

51. Action-oriented research projects, undertaken under the aegis of both UNICRI and ISPAC, could further extend the empirical base of the crime prevention and criminal justice programme and provide a more solid foundation for the work of the Commission and the deliberations of the United Nations congresses on the prevention of crime and the treatment of offenders. So could the results of pilot and demonstration projects carried out in the context of technical assistance. Evaluation of the progress achieved in the application of United Nations policy guidelines and other relevant reforms of national systems, as well as assessments of overall programme effectiveness, are a critical research task and adjunct to operational projects. Indeed, an evaluation component must be built into all technical cooperation projects and other activities in order to optimize the results and provide feedback for possible adjustments to be made.

B. Information network and clearing-house services

52. The Council, in its resolution 1992/22, called for the further development of the clearing-house facilities of the programme. It also urged the expansion of the United Nations Criminal Justice Information Network (UNCJIN) by inviting Governments, interregional and regional organizations, other relevant entities and the private sector to join and support the UNCJIN financially and logistically as a viable instrument for the dissemination and exchange of information and transfer of knowledge for improved criminal justice management and more effective crime prevention. The programme was requested to determine, in cooperation with Governments and the United Nations institutes and affiliated and associated institutes, categories of information to be supplied to, and exchanged through, UNCJIN, taking into account the priorities specified by the Council. It is also to cooperate closely with various national, regional, interregional and international institutions and agencies to develop the roster of experts in crime prevention and criminal justice, as part of the clearing-house functions or for such other purposes as the Commission may decide.

53. Since its creation in 1989, UNCJIN has been supported through the assistance of the School of Criminal Justice of New York State University at Albany and a grant from the United States Bureau of Justice Statistics. It currently has some 300 members, mainly in developed countries, and contains a number of databases, primarily those emanating from the United Nations surveys of crime trends and operations of criminal justice systems. In order to serve its intended purpose and allow the programme to discharge its clearing-house functions, more has to be done. The system is still rudimentary, with limited geographical coverage and must be further developed. The World Criminal Justice Library Network and the clearing-house of information from non-governmental organizations and the academic community, established under the aegis of ISPAC and the Centro Nazionale de Prevenzione e Difesa Sociale at Milan could offer additional possibilities, but they have to be developed and

integrated into the overall system. Material and technical support should also be provided to developing countries, so that they can establish or upgrade their statistical and computer capability, as well as their research and information-gathering capacity in the crime field, and utilize UNCJIN.

C. Surveys of crime trends and operations of criminal justice systems

54. The General Assembly, in its resolution 46/152, requested Member States to provide the Secretary-General, on a regular basis and upon request, with data on the dynamics, structure and extent of crime and on crime prevention strategies and criminal justice operations in their respective countries. The three world surveys carried out to date have yielded valuable information on the crime situation and methods used to deal with it in the different countries. They have also permitted the development of a global perspective and regional profiles that facilitate comparative analysis and informed policy-making. The usefulness of the surveys, however, has been limited by the fragmentary nature of some of the replies and difficulties faced by some developing countries in responding. The delay in the responses and in the production of the final five-year survey results has created a time-lag that impairs their topicality. Improved biennial surveys were mandated by the Commission and Council as a means of obtaining and providing an updated cross-national picture of crime in the world, including its transnational forms, and countermeasures. The surveys, to be carried out in collaboration with the United Nations institutes, affiliated and associated institutes and other United Nations entities, and regularly published and disseminated (starting with the biennium 1994-1995), should provide an empirical guide for national, regional and international efforts, including technical assistance.

55. The reports will also draw on the results of victimization studies, along with other empirical data and research findings, including the identification of emerging trends through forecasts or projections. National experience in the preparation of these reports on the state of crime and justice is also being sought to complement the results, which will be submitted to the Commission and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in 1995. The country profiles currently available in an electronic format will be updated with the possible assistance of the institutes. This cumulative information should make it possible to track trends and to project them, facilitating proactive planning. Member States would thus be helped to mount suitable preventive and counterstrategies, as called for by the General Assembly, the Commission and the Council.

56. Information on United Nations crime-related work should be more widely disseminated to interested government agencies, organizations and experts, particularly on the instruments and standards developed under the programme, training initiatives and other technical cooperation possibilities. The national correspondents could aid in that function and provide feedback on technical assistance prospects. A study is also under way to enhance the publications programme.

VIII. FUNDING OF OPERATIONAL ACTIVITIES

57. The Commission's expectations of the programme and the operational functions that it is to fulfil necessitate a strengthened institutional capacity, with at least a minimum of operational staff. This institutional capacity is required for a wide range of tasks, including conceptualization, planning,

formulating, developing, promoting, monitoring, coordinating, evaluating and following up operational activities, advisory services and training; selecting, setting terms of reference for, supervising, substantively supporting and evaluating experts; coordinating the involvement of the institutes and integrating their work into that of the programme; and mobilizing the support necessary to ensure a basic level of aid. The gap between the extensive needs in this field and limited institutional capacity must be reduced.

58. The General Assembly, in its resolutions 46/152 and 47/91, and the Council, in its resolution 1992/22, requested the Secretary-General to take the necessary measures to commit the human and financial resources necessary to strengthen the programme as a whole, with emphasis on designing, implementing and monitoring technical cooperation projects at various levels. They also accorded high priority to the programme and called for an appropriate share of United Nations resources.

A. Regular budget

59. In recommending the establishment, within programme 29 of the medium-term plan, of a subprogramme on operational activities, planning and overall coordination, the Council invited the Committee on Programme and Coordination and the Advisory Committee on Administrative and Budgetary Questions to ensure proper follow-up of this recommendation. It also requested the Secretary-General to reflect these changes in his revised estimates under section 21 of the programme budget for the biennium 1992-1993 and subsequent bienniums, and the General Assembly to consider arrangements for funding programme support, taking into account the practices elsewhere in the United Nations system.

60. Following a management review, the Secretary-General recommended a strengthening of the staff by two P-4 and one P-3 posts to be accommodated through temporary redeployment from other sections of the programme budget. The temporary redeployment of the three posts was limited for 1993 only. The Secretary-General further proposed to give consideration to the upgrading of the Branch in the context of the ongoing review of the economic and social sectors. In particular, the preparation of the programme budget for the biennium 1994-1995 would provide an opportunity to review thoroughly the overall post requirements of the crime prevention and criminal justice programme (A/C.5/47/40).

B. Extrabudgetary funding

61. The General Assembly, in its resolution 46/152, sought to encourage developed countries to review their aid programmes in order to ensure "a full and proper contribution" in the field of crime prevention and criminal justice within their overall development priorities. The pervasive need for police training and retraining in developing countries and those moving towards democracy, undergoing major socio-economic reforms and facing new forms of transnational criminality, cannot be ignored. Law enforcement personnel have the potential to be in the vanguard of action to curtail these forms of crime, but may be unprepared to deal with them or unsure of how to perform the task of control in a just and fair manner. This is true also of other components of criminal justice and crime prevention systems.

62. Funds for operational activities from the regular United Nations budget would have to be supplemented by extrabudgetary contributions, channelled through the United Nations Crime Prevention and Criminal Justice Trust Fund.

The cooperation of Governments, United Nations funding agencies and other relevant institutions was to be enlisted to expand the base of operations and practical assistance to interested Members States. If reliance is to be placed primarily on extrabudgetary means, then greater responsiveness of United Nations funding agencies to the needs and requests in this field will be necessary.

63. Ways are being explored to cooperate with UNDP regarding law enforcement-related assistance, and to ensure that the linkages between development and criminal justice issues are recognized in future projects. It is noted that the World Bank has recently financed a project that includes upgrading criminal justice management in Argentina. Furthermore, in 1992, UNDP launched Capacity 21, a major programme initiative for capacity-building in developing countries, which recognizes the need for fully integrated development strategies that are sustainable economically, environmentally and socially. Sustainability requires honest and competent criminal justice professionals and well-managed criminal justice systems. In the context of Capacity 21, the programme will seek to emphasize to UNDP the role of crime prevention and criminal justice as an essential element of the development process. In addition to UNDP, innovative partnerships to finance operational activities could be explored with the Department for Development Support and Management Services, the World Bank, the Organisation for Economic Co-operation and Development, regional development banks and other funding agencies.

C. New funding arrangements

64. New funding arrangements for United Nations operational activities have been suggested by a number of Member States. These might also be utilized for the crime prevention and criminal justice programme. Should such an approach prove feasible, it would include stable funding from the regular budget and programme support costs, in accordance with the practices elsewhere in the United Nations system and pursuant to the recommendation of the Council in its resolution 1992/22, section V, paragraph 2. It might also involve assessed, negotiated and voluntary contributions, if - as recommended by the above-mentioned Member States - this kind of combined financing becomes an accepted formula within the Organization.

65. The Commission and the Council proposed the organization of special events that would bring together donor countries, recipient countries and funding agencies.* They recommended broadening the base of financial support for the programme by approaching intergovernmental and non-governmental organizations, foundations, academic institutions and the private sector. This would be a major effort necessitating proper planning, an inventory of project proposals, determination of interest in them and direct consultations with prospective donors, particularly those whose contributions would generate further support. Some, like the Government of Italy, have, in addition to supporting UNICRI, provided funds for strengthening technical and scientific cooperation, including the participation of non-governmental organizations and the professional community in programme execution. Others, such as France, are exploring ways

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*The first such meeting focused on coordinated assistance for States of Central and Eastern Europe. It was organized in cooperation with the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, and held at Vienna on 11 and 12 February 1992.

to expand human and financial operational capabilities. Still others have seconded experts for missions or junior officers for the programme and sponsored meetings, as have some associated centres. Such initiatives are appreciated and can usefully be replicated. With sufficient, systematic support, a comprehensive operational action plan could be developed, with related cost estimates, for which collaborative financing and innovative forms of support could be sought. It is hoped that if, as planned, coherent projects are developed, integrating various modalities of aid and possible donors, the United Nations funding agencies and others will be more responsive and forthcoming with their assistance in this field.

66. An effective strategy to obtain an appropriate share of development assistance funds for this sector will require sound arguments as to its relevance and importance. Recent events have further revealed the detrimental effect of crime on the development process and the handicap under which crime control agencies operate in many countries. Security through adequate crime control and effective justice, once viewed as peripheral concerns - a recurrent overhead - has assumed centre stage as a priority on both the national and international agendas. It is increasingly realized that its neglect can have serious consequences and thwart sustainable development.

Notes

1/ See A/46/703 and Corr.1.

2/ Resolution 45/117, annex, of 14 December 1990.

3/ "Report of the International Seminar on the Prevention and Treatment of Juvenile Delinquency through Community Participation, Beijing, 19-24 October 1988" (TCD/SEM.89/4).

4/ "Corruption in government", report of an interregional seminar held at The Hague from 11 to 15 December 1989 (TCD/SEM.90/2).

5/ See William Clifford and others, Planning Crime Prevention (Lexington, Massachusetts, Lexingtom Books, 1976), based on the proceedings of the First Interregional Course on Social Defence Planning, held at Canberra in November 1975.

6/ See William Clifford and others, Plotting and Planning (Australian Institute of Criminology, Canberra, 1979), proceedings of an international course in crime prevention planning.